

trading companies to expand export participation by small U.S. companies.

EXPORT TRADE

Conferees agreed to file a conference report on S. 734, promoting the formation of U.S. export trading companies to expand export participation by small U.S. companies.

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Thursday, September 30, 1982

Senate

Chamber Action

Routine Proceedings, pages 26411-26704

Bills Introduced: Seventeen bills and four resolutions were introduced, as follows: S. 2984-3000; S. Res. 489; S.J. Res. 259, and S. Con. Res. 126 and 127.

Page 26645

Bills Reported: Reports were made as follows:

Conference report on H.R. 6267, to assist the thrift industry by providing net worth assistance to savings institutions and additional flexibility to their Federal regulatory agencies. (S. Rept. No. 97-641)

S. Res. 462, expressing the sense of the Senate concerning consultations with the Government of Japan on exports of agricultural products from the United States to Japan. (S. Rept. No. 97-642)

S. 1562, establishing the Arctic Research Council to coordinate a comprehensive Arctic research policy, with an amendment in the nature of a substitute.

S. 1782, eliminating the practice of "retainage", whereby Federal agencies withhold 10 percent of a contractor's payments until the project is completed, on certain Federal construction contracts, with an amendment in the nature of a substitute.

H.R. 1524, prohibiting any taxpaying utility from using the normalization method of accounting if, for rate-making purposes or for reflecting operating results in its regulated books of account, it employs any adjustment that is inconsistent with the existing requirements for users of such accounting method, with amendments (with additional views). (S. Rept. No. 97-643)

Page 26644

Measures Passed:

Antitrust Reciprocity: Committee on the Judiciary was discharged from the further consideration of H.R. 5106, placing certain conditions on the ability of foreign governments to sue for damages for antitrust violations in U.S. courts, and limiting the amount of antitrust damages recoverable by a foreign government to that amount which the U.S.

Government would be entitled to recover, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Baker (for Thurmond) unprinted amendment No. 1347, providing for judgments arising from exposure to TRIS (2, 3-Dipromopropyl) phosphate.

Page 26424

Enrollment Corrections: Senate agreed to S. Con. Res. 127, making corrections in the enrollment of S. 2036, providing for State and local employment and training assistance.

Page 26434

Convicted Criminals and Firearms: By 93 yeas to 1 nay, Senate passed S. 1688, making it a Federal offense when a convicted criminal commits a series of crimes involving firearms, after agreeing to Committee amendment in the nature of a substitute, and an amendment proposed thereto as follows:

Pages 26435, 26449

Robert C. Byrd (for Kennedy) unprinted amendment No. 1348, providing for Federal prosecution under this act only where the local prosecuting authority requests or concurs in such Federal prosecution.

Page 26439

Authorizations, Treasury Agencies—1983: Senate passed H.R. 6094, authorizing funds for fiscal year 1983 for the U.S. International Trade Commission, U.S. Trade Representative, and the U.S. Customs Service, Department of the Treasury, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2555, as amended by Dole unprinted amendment No. 1349, authorizing additional funds for the U.S. Customs Service to maintain personnel levels.

S. 2555, Senate companion measure, was then indefinitely postponed.

Page 26440

Small Business Corporations: Senate passed H.R. 6055, allowing taxpayers to choose to conduct their business in corporate or noncorporate form based solely upon business reasons, after agreeing to committee amendments.

Page 26442

Technical Corrections to Tax Acts: Senate passed H.R. 6056, making technical corrections relating to the Economic Recovery Tax Act (P.L. 97-34), the Crude Oil Windfall Profit Tax Act (P.L. 96-223), and the Installment Sales Revision Act (P.L. 96-471), after agreeing to committee amendments en bloc, and further amendments proposed thereto as follows:

(1) Dole unprinted amendment No. 1350, relating to transitional rules of safe harbor leasing for certain aircraft.

(2) Dole (for Tsongas) unprinted amendment No. 1351, modifying the effective date for changes in tax treatment of distributions of appreciated property in redemption of stock.

(3) Dole (for Huddleston) unprinted amendment No. 1352, specifying the time for filing a return and paying the taxes imposed by section 5701 of the Internal Revenue Service code.

Page 26450

Amendments Engrossment Corrections: Senate agreed to S. Res. 489, making technical corrections in the engrossment of the Senate amendments to H.R. 6056, listed above.

Page 26611

Agricultural Exports to Japan: Senate agreed to S. Res. 462, expressing the sense of the Senate concerning consultations with the Government of Japan on exports of agricultural products from the United States to Japan.

Page 26456

Violent Crime and Drug Enforcement Improvements Act of 1982: Senate passed H.R. 3963, extending authorizations for the Contract Services for Drug Dependent Federal Offenders Act of 1978, after agreeing to add at the end thereof the text of S. 2572, strengthening law enforcement in the areas of violent crime and drug trafficking, the Senate companion measure, on which the Senate had taken action on amendments proposed thereto, as follows:

Pages 26464, 26508

Adopted:

(1) Thurmond unprinted amendment No. 1356, providing for detention procedures and hearings, for protection of witnesses and victims of crime. Federal criminal sanctions for the manufacture, sale and advertising of simulated controlled substances, defining violent juveniles and career criminals, placing a limit on the amount of a defendant's property subject to a lien to assure payment of a fine imposed on him, establishing procedures for operating forfeiture accounts, providing for a review of the operation of the sentencing system, providing a mandatory minimum prison term for a person at least 21 years old to distribute the more dangerous controlled substances to a person under 18, providing for a mandatory minimum sentence for using or carrying a handgun with armor-piercing ammunition during the commission of a crime, and creating a Federal offense relating to damaging property of an energy facility.

Page 26508

(2) Levin unprinted amendment No. 1357, raising the mandatory minimum sentence for a crime committed without a firearm to two years, and providing for a five-year minimum sentence if a firearm is used, as amended by Bumpers unprinted amendment No. 1358.

Page 26531

(3) By 63 yeas to 33 nays DeConcini unprinted amendment No. 1360, establishing an office of Director of National and International Drug Operations and Policy to plan and coordinate drug enforcement efforts of the Federal Government.

Page 26541

(4) Grassley unprinted amendment No. 1362, restricting the distribution of material involving the sexual exploitation of minors.

Page 26550

(5) Bentsen unprinted amendment No. 1363, providing for the revocation of certificates and punishment where aviation involves drug trafficking.

Page 26551

(6) Jepsen unprinted amendment No. 1364, assuring the maximum Federal effort to curb the problem of pharmacy robberies.

Page 26552

Rejected:

Mathias unprinted amendment No. 1359, striking Title V of the bill.

Page 26535

By 32 yeas to 64 nays, Specter modified unprinted amendment No. 1361, requiring that any person detained prior to trial shall be tried within sixty days.

Page 26545

Senate insisted on its amendments, requested a conference with the House, and appointed as conferees Senators Thurmond, Mathias, Laxalt, Hatch, Dole, Biden, Kennedy, and Leahy.

Page 26611

By 95 yeas to 1 nay, Senate earlier passed S. 2572, as amended, and the passage was subsequently vitiated.

Page 26581

Capitol Reef National Park, Utah: Senate concurred in the amendments of the House to S. 1872, extending the period of grazing privileges afforded to privately owned lands within the Capitol Reef National Park in Utah, with Baker (for McClure) unprinted amendment No. 1353, in the nature of a substitute.

Page 26458

Authorities Affecting Territories and Possessions in the United States: Senate concurred in the House amendment to Senate amendment to H.R. 5139, modifying provisions of the revised Organic Act of the Virgin Islands and providing certain other authorities affecting the territories and possessions of the United States, with further amendments proposed thereto as follows:

Page 26459

(1) Baker (for McClure) unprinted amendment No. 1354, of a technical nature.

Page 26461

(2) Baker (for Chafee) unprinted amendment No. 1355, extending for one year the period in which the Commonwealth of Puerto Rico may use funds

to finance the non-Federal share of certain wastewater treatment plants currently under construction.

Page 26463

Depository Institutions Amendments of 1982—Conference Report: Senate agreed to the Conference Report on H.R. 6267, to assist the thrift industry by providing net worth assistance to savings institutions and additional flexibility to their Federal regulatory agencies.

Page 26426

Training for Jobs Act—Conference Report: By unanimous vote of 95 yeas, Senate agreed to the Conference Report on S. 2036, providing for State and local employment and training assistance.

Page 26428

NASA Authorizations, 1983—Conference Report: Senate agreed to the Conference Report on H.R. 5890, authorizing funds for fiscal year 1983 for the National Aeronautics and Space Administration.

Page 26440

Aviation Insurance Program—Conference Report: Senate agreed to the Conference Report on H.R. 5930, amending the Federal Aviation Act of 1958, extending the authority of the Secretary of Transportation to provide certain aviation insurance and reinsurance.

Page 26440

Treaties Approved: By unanimous votes of 97 yeas, two-thirds of the Senators present and voting having voted in the affirmative, Senate agreed to the ratification of the following treaties:

97-2, Protocol to the Agreement on the Importation of Educational Scientific and Cultural Materials, adopted at Nairobi on November 26, 1976, and opened for signature at the United Nations on March 1, 1977.

97-18, Convention Between the United States and Mexico for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft, which was signed at Washington on January 15, 1981.

Ex. N, 92-2, International Convention on Tonnage Measurements of Ships, 1969, which was signed for the United States at London, on June 23, 1969, with an understanding.

97-25, Convention for the Conservation of Salmon in the North Atlantic Ocean, signed in March, 1982, by the United States, Canada, the European Community, Iceland, and Norway.

97-26, Tax Convention with the Republic of Austria, which was signed by the United States and Austria on June 21, 1982.

Page 26444

Prior to the above action, Senate vitiated the order to consider Treaty Doc. No. 97-5, Treaty with New Zealand on the Delimitation of the Mari-

time Boundary Between the United States and Tokelau, and the Treaty remained on the Calendar.

Page 26444

Executive Reports: Senate received the following Executive Reports:

Nomination of Richard R. Burt, of the District of Columbia, to be Assistant Secretary of State for European Affairs (together with additional views). (Exec. Rept. No. 97-63)

Nomination of Richard T. McCormack, to be Assistant Secretary of State for Economic and Business Affairs. (Exec. Rept. No. 97-64)

Page 26644

Messages From the House:

Page 26643

Statements on Introduced Bills:

Page 26645

Amendments Submitted for Printing:

Page 26667

Additional Statements:

Page 26674

Record Votes: Ten record votes were taken today. (Total—383)

Pages 26448, 26449, 26554, 26581

Recess: Senate convened at 9:30 a.m., and recessed at 7:45 p.m., until 9:30 a.m., on Friday, October 1, 1982. (For Senate's program see remarks of Senator Baker in today's Record on page 26704.)

Committee Meetings

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nominations of Fowler C. West, of Texas, to be Commissioner of the Commodity Futures Trading Commission, and Orville G. Bentley, of Illinois, to be Assistant Secretary of Agriculture for Science and Education.

MARIJUANA

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Water Resources, and Environment concluded hearings on the extent of marijuana cultivation on certain U.S. Forest Service lands, after receiving testimony from Dale Robertson, Associate Chief, U.S. Forest Service, Department of Agriculture; Robert Burford, Director, Bureau of Land Management, Department of the Interior; Frank V. Monastero, Assistant Administrator, Drug Enforcement Administration, Department of Justice; Tom Dial, Mississippi Bureau of Narcotics, Jackson; Mendocino County Sheriff Tom Johndahl, and Tom Crowfoot, Mendocino County Supervisor, both of Ukiah, California; George Franham, National Organization for the Reform of Marijuana Laws, Washington, D.C.; Ed Rosenthal, Oakland, California; Frederick Ford, Alexandria, Virginia; and Lee Dogoloff, American Council on Marijuana, Rockville, Maryland.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following items:

S. Res. 458, expressing the sense of the Senate that the Export-Import Bank of the United States shall be given sufficient authority and shall provide competitive financing for American exports; and

The nominations of Rita M. Rodriguez, of Massachusetts, and James E. Yonge, of Florida, each to be a Member of the Board of Directors of the Export-Import Bank of the United States, Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships, and Martin S. Feldstein, of Massachusetts, to be a Member of the Council of Economic Advisers.

FREEDOM OF EXPRESSION

Committee on Commerce, Science, and Transportation: Committee resumed hearings on a proposal extending free speech and press protection to the electronic communications industry, receiving testimony from Ithiel de Sola Pool, Massachusetts Institute of Technology, Cambridge; William Van Alstyne, Duke University Law School, Durham, North Carolina; and Thomas Krattenmaker, Georgetown University Law Center, Washington, D.C.

Hearings were recessed subject to call.

AUTHORIZATION—SOLID WASTE DISPOSAL

Committee on Environment and Public Works: Committee began consideration of proposed amendments to S. 2432, authorizing funds for fiscal years 1983 and 1984 for programs of the Solid Waste Disposal Act and Resource Conservation and Recovery Act (pending on Senate calendar), but did not complete action thereon, and recessed subject to call.

FLAT-RATE TAX

Committee on Finance: Committee concluded hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate, after receiving testimony from Joseph Pechman, The Brookings Institute, Rudolph E. Penner, American Enterprise Institute, Robert McIntyre, Citizens for Tax Justice, and Fred Wertheimer, Common Cause, all of Washington, D.C.; and Robert E. Hall, Stanford University, Stanford, California.

HELIUM-3

Committee on Foreign Relations: Committee met in closed session to consult with Administration officials on the export of Helium-3 (dual-use nuclear export) to South Africa. Present were Eugene V. Rostow, Director, Arms Control and Disarmament

Agency; Richard T. Kennedy, Under Secretary of State for Management; and Princeton Lyman, Deputy Assistant Secretary of State for African Affairs.

U.S. MARINES IN LEBANON

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the presence of U.S. Marines in Lebanon from Kenneth W. Dam, Deputy Secretary of State, and Lt. Gen. Paul F. Gorman, USA, Assistant to the Chairman, Joint Chiefs of Staff.

U.S.-Taiwan Relations

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs met in closed session to receive a briefing on U.S.-Taiwan relations from John H. Holdridge, Assistant Secretary of State for East Asian and Pacific Affairs; and Lt. Col. Jerry Van Sickel, USAF, Office of the Director for East Asian and Pacific Affairs, Office of the Assistant Secretary of Defense for International Security Affairs.

GSA

Committee on Governmental Affairs: Committee concluded oversight hearings on activities of the General Services Administration, focusing on progress made in the areas of budget restraints, client services, and control of waste, fraud and abuse after receiving testimony from Gerald P. Carmen, Administrator, General Services Administration, who was accompanied by several of his associates.

HOTEL AND RESTAURANT WORKERS UNION

Committee on Governmental Affairs: Permanent Subcommittee on Investigations continued hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), receiving testimony from New Jersey Attorney General Irwin I. Kimmelman, and Robert Sturgis, New Jersey Gaming Commission, both of Trenton.

Testimony was also received on alleged abuses within Local 19 in San Jose, California from William Jones, Labor Management Services Administration, Department of Labor, and Robert Shilling, former member of Local 19; Local 86 in Reno, Nevada from Gerald McHugh, former trustee of Local 86; and Local 28 in Oakland, California from Georgia Rosen, former business agent of Local 28.

Hearings were recessed subject to call.

GOVERNMENT CONTRACTORS

Committee on the Judiciary: Subcommittee on Agency Administration held oversight hearings on the indemnification of and contributions to government contractors, receiving testimony from J. Paul

McGrath, Assistant Attorney General, Civil Division, Department of Justice; T. Richard Brown, TRW, Inc., Redondo Beach, California, on behalf of the National Association of Manufacturers; Peter F. McCloskey, Electronic Industries Association, and Victor E. Schwartz, Crowell and Moring, both of Washington, D.C.; and Mellon C. Baird, Jr., Defense and Systems Group, Cleveland, Ohio.

Hearings were recessed subject to call.

IMMIGRATION EMERGENCY POWERS

Committee on the Judiciary: Subcommittee on Immigration and Refugee Policy concluded hearings to review Presidential emergency powers with respect to immigration, after receiving testimony from Senators Chiles and Hawkins; David D. Hiller, Associate Deputy Attorney General, Renee L. Szybala, Deputy Associate Attorney General, Alan C. Nelson, Commissioner, Immigration and Naturalization Service, all of the Department of Justice; Ambassador Eugene Douglas, U.S. Coordinator for Refugee Affairs, Department of State; Thomas O. Enders, Assistant Secretary of State for Inter-American Affairs; Mark Miller, University of Delaware, Newark; Harold Maier, Vanderbilt University School of Law, Nashville, Tennessee; Arnold Torres, on behalf of the League of United Latin American Citizens, Arthur Helton, on behalf of the Lawyers Committee for International Human Rights, and Wade Henderson, on behalf of the American Civil Liberties Union, all of Washington, D.C.

COURT BACKLOGS

Committee on the Judiciary: Subcommittee on Juvenile Justice concluded hearings on State and local law enforcement efforts to reduce criminal and civil case backlogs, after receiving testimony from Judge Lawrence H. Cooke, on behalf of the National Conference of Chief Justices and the National Center for State Courts, Albany, New York; Judge Betty Weinberg Ellerin, New York City Courts, Judge Joseph B. Williams, Felony Backlog Elimination Program, Thomas A. Reppetto, Citizens Crime Commission, and John F. Keenan, all of New York City.

NOMINATIONS

Committee on Labor and Human Resources: Committee ordered favorably reported the nominations of Gary L. Jones, of Virginia, to be Under Secretary of Education, Harry Singleton, of the District of Columbia, to be Assistant Secretary of Education for Civil Rights, Lawrence F. Davenport, of Virginia, to be Assistant Secretary of Education for Elementary and Secondary Education, Gary L. Bauer, of Virginia, to be Deputy Under Secretary of Education for Planning and Budget, Charles L. Heatherly, of Virginia, to be Deputy Under Secretary of Education for

Management, William A. Webb, of Pennsylvania, to be a Member of the Equal Employment Opportunity Commission, Walter C. Wallace, of New York, to be a Member of the National Mediation Board, Elizabeth H. Adams of California, Alice W. Algood, of Tennessee, Anne C. Badham, of California, Fucheng R. Hsu, of New Jersey, Craig C. Black, of Pennsylvania, Ann D. Haffner, of Virginia, and Dorothy J. Tyson, of California, each to be a Member of the National Museum Services Board, Henry Viscardi, Jr., of New York, Justin W. Dart, Jr., of Texas, Sandra S. Parrino, of New York, Alvis K. Waldrep, Jr., of Texas, Roxanne S. Vierra, of Colorado, Hunt Hamill, of Illinois, Carmine R. Lavieri, of Connecticut, Marian N. Koonce, of California, Robert V. Bush, of New Mexico, Joseph Dusenbury, of South Carolina, Michael Marge, of New York, John S. Erthein, of California, and H. Latham Breunig, of Virginia, each to be a Member of the National Council on the Handicapped, and Elinor M. Hashim, of Connecticut, to be a Member of the National Commission on Libraries and Information Science.

STUDENT LOAN ASSISTANCE

Committee on Labor and Human Resources: Subcommittee on Education concluded hearings on S. 2655, providing an alternative source of financial assistance for social security student benefit recipients, after receiving testimony from Senator Ford; and Donald W. Zacharias, Western Kentucky University, Bowling Green.

ABSCAM

Select Committee to Study Law Enforcement Undercover Activities of the Department of Justice: Committee concluded hearings on alleged abuses relating to the ABSCAM investigation by the Department of Justice, focusing on certain FBI undercover operations, after receiving testimony from William H. Webster, Director, Federal Bureau of Investigation, Department of Justice.

House of Representatives

Chamber Action

Bills Introduced: 32 public bills, H.R. 7224-7255; and 8 resolutions, H.J. Res. 617-619, H. Con. Res. 417-419, and H. Res. 603 and 604 were introduced.

Page 26406

Bills Reported: Reports were filed as follows:

Report entitled "Congressional Proceedings against Interior Secretary James G. Watts for Withholding Subpoenaed Documents and for Failure to

Answer Questions Relating to Reciprocity under the Mineral Lands Leasing Act" (H. Rept. 97-898);

Conference report on H.R. 6267, to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and ensuring the availability of home mortgage loans (H. Rept. 97-899);

Report entitled "Mismanagement of SSA's Computer Systems Threatens Social Security Programs" (H. Rept. 97-900);

Report entitled "Reorganization and Budget Cutbacks May Jeopardize the Future of the Nation's Statistical System" (H. Rept. 97-901);

Report entitled "Strengthening Credits at the Railroad Retirement Board" (H. Rept. 97-902);

H. Res. 603, providing for the consideration of the conference report on H.R. 6267, to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and ensuring the availability of home mortgage loans (H. Rept. 97-903);

S. 187, to authorize the Secretary of the Interior to convey certain lands near Miles City, Montana, and to remove certain reservations from prior conveyances, amended (H. Rept. 97-904);

S. 188, to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest (H. Rept. 97-905);

H. Res. 558, expressing the sense of the House of Representatives that regulations recently proposed by the Secretary of Education under the Education of the Handicapped Act should not be permitted to take effect, amended (H. Rept. 97-906);

H.R. 6471, for the acquisition by the United States by exchange of certain native owned lands or interest in lands in Alaska, amended (H. Rept. 97-907);

S. 503, to authorize the purchase, sale, and exchange of lands by the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota (H. Rept. 97-908);

H.R. 6103, to amend the Fair Labor Standards Act of 1938 to provide that an employer who violates section 6 or 7 of that Act shall be liable to the employee involved for three times the amount of wages involved in the violation (H. Rept. 97-909);

H.R. 1856, to authorize the Administrator of General Services to transfer title to State and local governments certain Federal personal property loaned to them for civil defense use (H. Rept. 97-910);

Conference report on H.R. 6976, to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons) (H. Rept. 97-911);

H. Res. 604, providing for the consideration of H.J. Res. 350, proposing an amendment to the Constitution altering Federal budget procedures (H. Rept. 97-912);

Conference report on H.R. 6968, making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983 (H. Rept. 97-913); and

Conference report on H.J. Res. 599, making continuing appropriations for the fiscal year 1983 (H. Rept. 97-914).

Page 26405

Continuing Appropriations: House disagreed to the Senate amendments to H.J. Res. 599, making continuing appropriations for fiscal year 1983; and agreed to a conference. Appointed as conferees: Representatives Whitten, Boland, Natcher, Smith of Iowa, Addabbo, Long of Maryland, Yates, Roybal, Beville, Ginn, Lehman, Dixon, Fazio, Conte, McDade, Edwards of Alabama, Myers, Robinson, Miller of Ohio, Coughlin, and Young of Florida.

Page 26185

Endangered Species Act Amendments of 1982: House agreed to the conference report on H.R. 6133, to authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal years 1983, 1984, and 1985—clearing the measure for the President.

Page 26187

Late Report: Conferees received permission to have until midnight tonight to file a conference report on H.J. Res. 599, making continuing appropriations for the fiscal year 1983.

Subsequently, it was made in order to consider the conference report on H.J. Res. 599 today, or any day thereafter.

Page 26189

Conservation on Government Lands Authorization: House agreed to Senate amendments Nos. 1, 2, and 3 and the Senate amendment to the title; and agreed to Senate amendment No. 4, with amendment, to H.R. 1952, authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984—returning the measure to the Senate.

Page 26190

Protection Island National Wildlife Refuge: House cleared for the President H.R. 1486, to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington—by agreeing to the Senate amendments thereto.

Page 26192

Migratory-bird and Conservation Stamp: House passed and cleared for the President S. 2874, to amend the Act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting

and conservation stamp contest to the account which pays for the administration of the contest.

Page 26195

Late Report: Committee on Merchant Marine and Fisheries received permission to have until midnight, Thursday, October 7, to file a report on H.R. 7076, to amend title II of the Outer Continental Shelf Lands Act Amendments of 1978.

Page 26195

Debt Collection Act of 1982: House agreed, with amendments, to the Senate amendment to H.R. 4613, to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States—returning the measure to the Senate.

Page 26196

Health Research Extension Act: House passed H.R. 6457, to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and the national research institutes.

By a yea-and-nay vote of 365 yeas to 12 nays, with 2 voting "present", Roll No. 381, the House resolved itself into the Committee of the Whole.

Agreed to:

The committee amendments;

An amendment to the bill and the amendment in the nature of a substitute that provides for continuation of cystic fibrosis research;

An amendment to the bill that includes nutrition as an area of authorized research; and

An amendment to the bill and the amendment in the nature of a substitute that restricts fetal and infant research by NIH before or after an induced abortion (agreed to by a recorded vote of 260 yeas to 140 noes, Roll No. 382). Earlier, a point of order was sustained against a similar amendment.

Rejected an amendment in the nature of a substitute that sought to provide for a 7 percent increase in biomedical research funds over 1982 levels, extensions of expiring NIH authorities, a study of NIH organizational structure, a new Arthritis Institute, and a study of the use of animals in biomedical and behavioral research (rejected by a recorded vote of 130 yeas to 275 noes, Roll No. 383).

Page 26200

Lake Oswego, Oregon: House passed S. 1573, to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (Act of June 10, 1920) as amended. Agreed to the committee amendment.

Page 26241

Environmental Quality: House agreed, with amendment, to the Senate amendment to the House amendment to the text of S. 1210, amending the Environmental Quality Improvement Act of 1970; and

agreed to the Senate amendment to the House amendment to the title of the bill—returning the measure to the Senate.

Page 26243

NASA Authorization: It was made in order to consider the conference report on H.R. 5890, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management today, or any day thereafter.

Page 26272

District of Columbia Appropriations: House passed H.R. 7144, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1983.

Points of Order Were Sustained Against:

Language in the bill that sought to restrict use of funds for the Washington Convention Center;

An amendment that sought to restrict use of funds for the Washington Convention Center;

Language in the bill relating to the salary of the City Administrator and other employee rates of pay; and

Language in the bill that sought to apply the provisions of the District of Columbia Government Comprehensive Merit Personnel Act to D.C. employees.

Page 26279

Military Construction Appropriations: Conferees received permission to have until midnight tonight to file a conference report on H.R. 6968, making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983.

Subsequently, it was made in order to consider the conference report on H.R. 6968 today, or any day thereafter.

Pages 26272, 26278

Colorado River Basin Project: House passed S. 2177, to amend title III of the Colorado River Basin Project Act, Public Law 90-537 (82 Stat. 885) as amended by Public Law 95-578 (92 Stat. 2471), and Public Law 96-375 (94 Stat. 1505).

Agreed to:

The committee amendment; and

An amendment that authorizes the Secretary to enter into agreements requiring local communities to share in the costs of water projects.

H. Res. 584, a rule providing for the consideration of S. 2177, was laid on the table.

Earlier, it was made in order to consider in the House S. 2177 today or any day thereafter.

Page 26293

Acadia National Park Boundary: House passed and cleared for the President S. 1777, relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine.

Page 26297

Gallatin National Forest Lands: House passed and cleared for the President S. 188, to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest.

Page 26299

Miles City, Montana, Lands: House passed S. 187, to authorize the Secretary of the Interior to convey certain lands near Miles City, Montana, and to remove certain reservations from prior conveyances.

Agreed to the committee amendment in the nature of a substitute.

Page 26302

Livingston Parish, Louisiana Land Claim: House passed H.R. 5785, to quiet title and possession with respect to a certain private land claim in Livingston Parish, Louisiana.

Agreed to the committee amendment in the nature of a substitute. Agreed to amend the title of the bill.

Page 26303

Nuclear Waste Disposal: House completed all general debate and began reading for amendment on H.R. 3809, the Nuclear Waste Policy Act of 1982; but came to no resolution thereon. Proceedings under the 5-minute rule are scheduled to continue on Friday, October 1.

By a yea-and-nay vote of 370 yeas to 1 nay, with 3 voting "present", Roll No. 384, the House resolved itself into the Committee of the Whole.

Pending when the Committee of the Whole rose were a committee amendment in the nature of a substitute and an amendment in the nature of a substitute (text of H.R. 7187).

Agreed to the following amendments to the foregoing amendment in the nature of a substitute (text of H.R. 7187):

A series of technical amendments;

A clarifying amendment relating to the preparation of environmental impact statements for recommended repository sites;

An amendment relating to the interim spent fuel storage problem; and

An amendment that provides for 1900 metric tons of capacity for the storage of spent nuclear fuel from civilian nuclear power reactors.

H. Res. 601, the rule under which the bill is being considered, was agreed to earlier by a voice vote.

Page 26305

Red Shield of David: House agreed to H. Res. 580, expressing the sense of the House of Representatives with respect to recognition of the Red

Shield of David of the Magen David Adom Society of Israel by the League of Red Cross Societies.

Page 26345

USDA Firearms Authority: House cleared for the President H.R. 2035, to authorize certain employees of the United States Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection—by agreeing to the Senate amendments thereto.

Page 26347

Victim and Witness Protection: House passed H.R. 7191, to provide additional protections and assistance to victims and witnesses in Federal cases.

Subsequently, S. 2420, a similar Senate-passed bill was passed in lieu, after being amended to contain the language of the House bill as passed. Agreed to amend the title of the Senate bill.

Page 26348

Perishable Foodstuffs: House cleared for the President H.R. 6164, to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP)—by agreeing to the Senate amendment thereto.

Page 26363

Mary McLeod Bethune Council House: House passed and cleared for the President S. 2436, to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site.

Page 26264

Alaska Lands: House passed H.R. 6471, for the acquisition by the United States by exchange of certain native owned lands or interest in lands in Alaska.

Agreed to the committee amendment in the nature of a substitute.

Page 26364

Capitol Reef National Park: House agreed to the Senate amendments to the House amendments to S. 1872, to amend the Act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule—clearing the measure for the President.

Page 26365

Late Reports: Objection was heard to a unanimous-consent request that the Committee on Rules be permitted to file sundry reports by midnight tonight.

Page 26366

Missing Children Act: House agreed to the conference report on H.R. 6976, to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of cer-

tain deceased individuals and in the location of missing persons (including unemancipated persons)—clearing the measure for Senate action.

Page 26366

Aviation Insurance: House agreed to the conference report on H.R. 5930, to extend the aviation insurance program for five years—clearing the measure for the President.

Page 26369

Human Rights: House agreed to H. Con. Res. 336, expressing the sense of the Congress concerning the compliance by the Soviet Union with certain international agreements on human rights. Agreed to a technical amendment.

Page 26371

Alexsei Murzhenko and Yuri Fiodorov: House agreed to H. Res. 398, to express the sense of the House of Representatives that Alexsei Murzhenko and Yuri Fiodorov should be released from prison and allowed to emigrate from the Soviet Union.

Page 26373

Ida Nudel: House agreed to H. Con. Res. 330, expressing the sense of the Congress with respect to the Soviet Union's obligations under international law to allow Ida Nudel to emigrate to Israel.

Page 26374

Ukrainian Churches: House agreed to S. Con. Res. 18, relating to the restoration of the free exercise of religion in Ukraine—clearing the measure.

Page 26376

Red Cross Volunteers: House agreed to H. Con. Res. 376, recognizing the outstanding service and patriotism exhibited by the volunteers of the American National Red Cross during times of war and expressing the gratitude of the Congress for the service of such volunteers.

Page 26377

Bahà'i Community: House agreed to H. Con. Res. 378, to condemn the Iranian persecution of the Bahà'i community. Subsequently, this passage was vacated and S. Con. Res. 378, a similar Senate resolution, was agreed to in lieu—clearing the measure.

Page 26378

Late Report: Committee on Rules received permission to have until midnight tonight to file a privileged report.

Page 26381

Parkinson's Disease Week: House passed H.J. Res. 531, to provide for the designation of the week beginning on October 24, 1982, as "National Parkinson's Disease Week".

Page 26381

Drunk and Drugged Driving Awareness Week: House passed and cleared for the President S.J. Res. 241, to provide for the designation of the week of December 12, 1982, through December 18, 1982, as

"National Drunk and Drugged Driving Awareness Week".

Page 26381

Fiorello H. La Guardia Day: House passed H.J. Res. 595, designating December 11, 1982, as "Fiorello H. La Guardia Memorial Day".

Page 26382

Pearl Street Centennial Day: House agreed to S. Con. Res. 117, expressing the sense of the Congress that September 4, 1982, the one hundredth anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day"—clearing the measure.

Page 26382

Myasthenia Gravis Awareness Week: House passed and cleared for the President S.J. Res. 197, to provide for the designation of the week of October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week".

Page 26383

Port Week: House passed H.J. Res. 537, to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week".

Page 26383

Agriculture Day: House passed and cleared for the President S.J. Res. 235, to proclaim March 21, 1983, as "National Agriculture Day".

Page 26384

Late Report: Conferees received permission to have until midnight tonight to file a conference report on H.R. 6976, to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons).

Page 26386

Adjournment: Met at 10 a.m. and adjourned at 7:30 p.m.

Committee Meetings

MISCELLANEOUS MEASURE; REPROGRAMMINGS

Committee on Armed Services: Ordered reported H.R. 1856, to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense.

The Committee also approved six reprogrammings.

Prior to this action, the Committee held a hearing on pending reprogrammings. Testimony was heard from Edward C. Aldridge, Under Secretary of the

Air Force; Brig. Gen. Bernard P. Randolph, Director, Space Systems and Command, Control Communications, Headquarters, U.S. Air Force; Rear Adm. Richard A. Miller, Director, Fiscal Management Division, Office of the Chief of Naval Operations, Department of the Navy and Brig. Gen. Harold M. Davis, Jr., Director, Army Budget, Department of the Army.

PROCUREMENT OF C-5B AND B-1B AIRCRAFT AND THE SALE TO SAUDI ARABIA OF AWACS

Committee on Armed Services: Subcommittee on Investigations continued hearings concerning the procurement of C-5B and B-1B aircraft and the sale to Saudi Arabia of Airborne Warning and Control System (AWACS) aircraft. Testimony was heard from Lloyd K. Mosemann II, Deputy Assistant Secretary for Logistics and Communications, Department of the Air Force and a public witness.

MEDICAL EQUIPMENT PROCUREMENT/REPLACEMENT POLICIES AND PRACTICES

Committee on Armed Services: Subcommittee on Investigations met to conduct an oversight examination of past hearings on the medical equipment procurement/replacement policies and practices in the Department of Defense. Testimony was heard from Paul J. McGrath, Associate Director, Personnel and Force Management Audits Directorate, U.S. Army Audit Agency and from the following officials of the Department of the Army: Col. Robert L. Ray, Office of the Inspector General; Brig. Gen. William P. Winkler, Jr., M.D., Director, Health Care Operations, Office of the Surgeon General and Col. Fred L. Walter, MSC, Chief, Logistics Division, Office of the Surgeon General.

PENN SQUARE FAILURE

Committee on Banking, Finance and Urban Affairs: Continued hearings on Penn Square failure. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Education and Labor: Ordered reported as amended the following measures: H.R. 2500, Select Commission on Voluntary Service Opportunities Act of 1981 and H. Res. 588, expressing the sense of the House of Representatives that regulations recently proposed by the Secretary of Education under the Education of the Handicapped Act should not be permitted to take effect.

MATHEMATICS AND SCIENCE EDUCATION

Committee on Education and Labor: Subcommittee on Elementary, Secondary and Vocational Education concluded hearings on the following bills: H.R. 6674, American Defense Education Act; H.R. 7135,

to strengthen the security and the economic and cultural progress of the Nation through Federal assistance for improved student opportunities in mathematics, science, technology, and foreign languages in the elementary and secondary schools; H.R. 5742, National Commission on Science, Engineering, and Technology Education and H.R. 6950, to establish a national high-technology technician training program, utilizing the resources of the Nation's 2-year community colleges to contribute to the economic strength of the United States by creating a pool of skilled technicians in strategic high-technology fields, to increase national productivity, to improve the competitiveness of the United States in international trade. Testimony was heard from public witnesses.

OFFICE MACHINE AND EQUIPMENT RETAIL DEALERS' AGREEMENT ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Transportation and Tourism approved for full Committee action as amended H.R. 7106, Office Machine and Equipment Retail Dealers' Agreement Act.

POWs/MIAs

Committee on Foreign Affairs: Subcommittee on Asian and Pacific Affairs held a hearing on the situation regarding American POWs/MIAs in South East Asia. Testimony was heard from public witnesses.

FOREIGN CONTROL OF U.S. BANKS

Committee on Government Operations: Subcommittee on Commerce, Consumer, and Monetary Affairs held a hearing on Foreign Control, including Foreign Government Control of U.S. Banks. Testimony was heard from Henry C. Wallich, Member, Federal Reserve Board, Robert P. Gough, Associate Director, Division of Bank Supervision, FDIC; Doyle L. Arnold, Senior Deputy Comptroller for Policy and Planning, Office of the Comptroller of the Currency; Robert R. Klinzing, Deputy Comptroller for Bank Examinations; Carol Berman, State Senator, New York and Ernest Kohn, Acting First Deputy, Supt. of Banks, State of New York.

COMMITTEE BUSINESS

Committee on House Administration: Subcommittee on Contracts and Printing met to consider pending business.

INDIAN LEGISLATION

Committee on Interior and Insular Affairs: Ordered reported as amended H.R. 6416, to provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims.

Prior to this action, the Committee held a hearing on H.R. 6416. Testimony was heard from John W. Fritz, Deputy Assistant Secretary, Department of the Interior and a public witness.

OVERSIGHT

Committee on Interior and Insular Affairs: Subcommittee on Public Lands and National Parks held an oversight hearing on Fish, Wildlife and Parks. Testimony was heard from the following officials of the Department of the Interior: G. Ray Arnett, Assistant Secretary for Fish and Wildlife and Parks; Russell Dickenson, Director, National Park Services; Robert A. Jantzen, Director, Fish and Wildlife Service; William Kriz, Chief, Division of Land Resources, National Park Service; William Horn, Deputy Under Secretary and Rick Bavidge, Special Assistant to Secretary Arnett.

CIVIL RIGHTS ENFORCEMENT

Committee on the Judiciary: Subcommittee on Civil and Constitutional Rights held an oversight hearing on Civil Rights Enforcement in the Department of Education. Testimony was heard from public witnesses.

CORRUPT HORSERACING PRACTICES ACT

Committee on the Judiciary: Subcommittee on Criminal Justice held a hearing on H.R. 2331, Corrupt Horseracing Practices Act of 1981. Testimony was heard from Representative Vento and public witnesses.

RESCUE SQUAD DEATH BENEFITS

Committee on the Judiciary: Subcommittee on Criminal Justice continued hearings on H.R. 385 and related bills, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that rescue squad members are entitled to death benefits made available under such act. Testimony was heard from public witnesses.

PROFESSION SPORTS STABILIZATION ACT

Committee on the Judiciary: Subcommittee on Monopolies and Commercial Law held a hearing on H.R. 6467, Professional Sports Stabilization Act of 1982. Testimony was heard from public witnesses.

PAY EQUITY—EQUAL PAY

Committee on Post Office and Civil Service: Subcommittee on Civil Service, the Subcommittee on Human Resources and the Subcommittee on Compensation and Employee Benefits continued joint hearings on pay equity-equal pay for work of comparable value. Testimony was heard from Donald J. Devine, Director, Office of Personnel Management; Clarence Thomas, Chairman, Equal Employment Opportunity Commission and public witnesses.

COMMITTEE BUSINESS

Committee on Public Works and Transportation: Subcommittee on Investigations and Oversight met in executive session to consider pending business.

DEPOSITORY INSTITUTIONS ACT

Committee on Rules: Granted a rule waiving clauses 2, 3 and 4 of Rule XXVIII against consideration of the conference report on H.R. 6267, Depository Institutions Act of 1982. Testimony was heard from Chairman St Germain and Representatives Stanton and Gonzalez.

PATENT TERM RESTORATION ACT

Committee on Rules: Heard testimony from Representatives Kastenmeier, Frank, Scheuer, Gore, Railsback and Shaw but took no action on H.R. 6444, Patent Term Restoration Act of 1982.

REGULATORY PROCEDURE ACT

Committee on Rules: Heard testimony from Representatives Sam Hall, Dingell, Moorhead, Kindness and Schneider but took no action on H.R. 746, Regulatory Procedure Act of 1982.

BALANCED BUDGET

Committee on Rules: Granted a modified closed rule, providing for the consideration of and 2 hours of general debate on H.J. Res. 350, proposing an amendment to the Constitution altering Federal budget procedures; making in order an amendment in the nature of a substitute, to be offered by Representative Alexander; and an amendment by Representative Conable (text of H.J. Res. 350), the last amendment adopted will be reported back to the House; making in order one motion to recommit, and laying on the table H. Res. 450. Testimony was heard from Representatives Alexander, McClory, Bethune, and Pashayan.

APPROPRIATE AGRICULTURE TECHNOLOGY

Committee on Science and Technology: Subcommittee on Natural Resources, Agriculture Research and Environment held a hearing on Appropriate Agriculture Technology. Testimony was heard from Nyle C. Brady, Senior Assistant Administrator, AID, U.S. International Development Cooperation Agency and public witnesses.

SETTING PRIORITIES FOR SCIENCE

Committee on Science and Technology: Subcommittee on Science, Research and Technology and the Subcommittee on Investigations and Oversight held a joint hearing on Setting Priorities for Science. Testimony was heard from Dr. Donald L. Langenberg, Deputy Director, NSF; Dr. Edith W. Martin, Deputy Under Secretary of Defense for Research and Advanced

Technology; Dr. James B. Wyngaarden, Director, NIH, Department of Health and Human Services and public witnesses.

FAIR PRACTICES IN AUTOMOTIVE PRODUCTS ACT

Committee on Ways and Means: Subcommittee on Trade continued hearings on H.R. 5133, Fair Practices in Automotive Products Act. Testimony was heard from Representative Fithian; Allen Wallis, Under Secretary for Economic Affairs, Department of State and public witnesses.

Hearings continue tomorrow.

Joint Meetings

VENTURE CAPITAL INDUSTRY

Joint Economic Committee: Subcommittee on International Trade, Finance, and Security Economics concluded hearings on the role of the venture capital industry in the American economy, after receiving testimony from Donald Gevirtz, Foothill Group, Inc., B. K. Hagopian, Brentwood Associates, and Brent Rider, Union Venture Corporation, all of Los Angeles, California; and E. F. Heizer, Heizer Corporation, Chicago, Illinois.

APPROPRIATIONS—MILITARY CONSTRUCTION

Conferees agreed to file a conference report on H.R. 6968, appropriating funds for fiscal year 1983 for military construction programs of the Department of Defense.

APPROPRIATIONS—CONTINUING

Conferees agreed to file a conference report on H.J. Res. 599, making continuing appropriations through December 17, 1982 for the Federal Government.

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Friday, October 1, 1982

Senate

Chamber Action

Routine Proceedings, pages 26726-27169

Bills Introduced: Forty bills and fourteen resolutions were introduced, as follows: S. 3001-3040, S. Res. 490-494, S.J. Res. 260-268

Page 27051

Bills Reported: Reports were made as follows:

Conference report on S. 734, promoting the formation of U.S. export trading companies to expand export participation by small U.S. companies. (S. Rept. No. 97-644)

S. Res. 455, expressing the sense of the Senate with respect to actions to be taken by the Secretary of Commerce to protect Pacific salmon stocks.

Special Report of the Committee on Rules and Administration on Oversight Hearings on the Office of Technology Assessment. (S. Rept. No. 97-645)

H.R. 5470, insuring periodic payments for damages received on account of personal injuries, with an amendment in the nature of a substitute. (S. Rept. No. 97-646)

H.R. 5573, encouraging contributions of computers and other technological equipment to elementary and secondary schools, with amendments. (S. Rept. No. 97-647)

H.R. 7093, reducing the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income, with an amendment. (S. Rept. No. 97-648)

S. Res. 492, authorizing the Senate Sergeant at Arms, with the approval of the Committee on Rules and Administration to settle certain claims involving Members, officers, and employees of the United States Senate. (S. Rept. No. 97-649)

S. Res. 493, authorizing the printing of the prayers by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses, as a Senate document. (S. Rept. No. 97-650)

H.R. 6417, revising certain provisions of P.L. 96-432, relating to the United States Capitol Grounds, to include certain sidewalks and contiguous areas within the definition of the U.S. Capitol Grounds. (S. Rept. No. 97-651)

S. 2847, authorizing funds through fiscal year 1987 for the construction, acquisition, or rehabilitation of Indian housing with an amendment. (S. Rept. No. 97-652)

S. 563, authorizing the States and Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian country, with amendments. (S. Rept. No. 97-653)

S. 1340, providing for the use and distribution of judgment funds awarded to the Clallam Indian Tribe, Washington, with amendments. (S. Rept. No. 97-654)

S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims, with amendments. (S. Rept. No. 97-655)

S. 2418, authorizing the Twenty-nine Palms Band of Luiseno Mission Indians to lease specified trust lands in California, with an amendment in the nature of a substitute. (S. Rept. No. 97-656)

H.R. 4364, declaring that certain lands in Pima County, Arizona, shall be held in trust by the United States for the Pascua-Yaqui Indian Tribe, with amendments. (S. Rept. No. 97-657)